THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.3520 and 11036 of 2005

Date: 25.01.2007

WRIT PETITION No.3520 of 2005

Between:
Mekala (Tulasi) Nagesh,
S/o.late Pochaiah,
R/o.Nizampet Village,
Qutbullapur Mandal,
R.R. District.

Petitioner

And

The Station House Officer,
PS Kukatpally, R.R. District and another.

Respondents

WRIT PETITION No.11036 of 2005

Between:
Mekala (Tulasi) Venkatesh,
S/o.late Pochaiah,
R/o.H.No.840,
Pragati Nagar Colony,
Qutbullapur Mandal,
R.R. District.

Petitioner

And

The Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Home Department, Secretariat,
Hyderabad – 4 and another.

Respondents

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.3520 and 11036 of 2005

COMMON ORDER:

These two writ petitions have been filed for issuance of writ of *Mandamus* declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the property of the petitioners i.e., agricultural land admeasuring 39 gunts in Survey No.94/B situated at Nizampet village, Qutbullapur Mandal, Ranga Reddy District, and calling them to the Police Station and threatening them to leave the said property, as illegal and arbitrary.

A counter affidavit has been filed stating that one Mr.Arjun Raju lodged a complaint on 03.06.2005 making certain allegations against the petitioners that they trespassed into his land and that based on the said complaint, Crime No.485 of 2005 was registered for the offences punishable under Sections 447 and 427 I.P.C., 03.06.2005 by the Sub Inspector of Police, Kukatpally Police Station, Ranga Reddy District. The said crime was investigated and found that the accusation leveled against the petitioners was not established. Therefore, the complaint was referred as a mistake of fact. It is also stated that except registering the case, the police did not interfere with the peaceful possession and enjoyment of the property of the petitioners at any point of time. It is further stated that the petitioners were not at all called to the Police Station and were not at all threatened, as the criminal case registered against them was already referred as a mistake of fact.

In that view of the matter, no further orders need be passed in these writ petitions and the same are accordingly dismissed. There

shall be no order as to costs.

V. Eswaraiah, J

Date: 25.01.2007
va